

Atty Docket No. 021737-001410US

PTO FAX NO.: (703) 305-9822  
ATTENTION: Delora Dillard, OIPE Supervisor  
TELEPHONE NO.: (703) 308-1202

Group Art Unit: 2176

**OFFICIAL COMMUNICATION  
FOR THE ATTENTION OF DELORA DILLARD, OFFICE OF  
INITIAL PATENT EXAMINATION**

**COMMUNICATION RE NOTICE OF ABANDONMENT  
RECEIVED IN ERROR**

**FOR ENTRY IN U.S. APPLICATION NO. 09/997,311  
FILED November 27, 2001**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following document(s) in re Application of James R. Shay et al., Application No. 09/997,311, filed November 27, 2001 for Computer Implemented Method for Controlling Document Edits is being facsimile transmitted to the Patent and Trademark Office on the date shown below,

Document(s) Attached

1. SB/21 Transmittal Form (1 page)
2. Communication (3 pages)
3. Attachment A - Copy of Notice of Abandonment dated January 22, 2004 (1 page)
4. Attachment B - Copy of Notice of Missing Parts dated December 19, 2001 (1 page)
5. Attachment C - Copies of the Reply to Notice of Missing Parts (including a one-month extension of time) as fax filed on March 19, 2002 (15 pages)
6. Attachment D - Copy of a RIGHT FAX Confirmation received on March 19, 2002 (1 page)

Number of pages being transmitted, including this page: 28

Dated: February 11, 2004

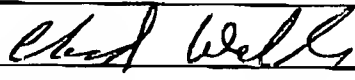
  
Cynthia McKinley

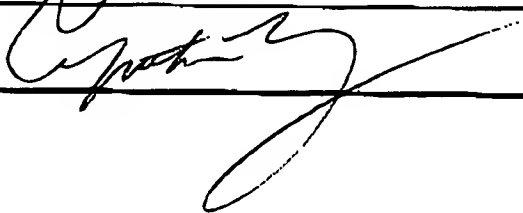
**PLEASE CONFIRM RECEIPT OF THIS PAPER BY RETURN FACSIMILE AT (650) 326-2422**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: 650-326-2400 / Fax: 650-326-2422

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/997,311
		Filing Date	November 27, 2001
		First Named Inventor	Shay, James R.
		Art Unit	2178
		Examiner Name	Unassigned
Total Number of Pages in This Submission	27	Attorney Docket Number	021737-001410US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Communication, Attachment A, B, C, and D, Certification of Facsimile Transmittal
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP Chad R. Walsh Reg. No. 43,235
Signature	
Date	February 11, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to Delora Dillard of the USPTO (OIPE Supervisor), Fax No. 703-305-9822 on February 11, 2004.			
Typed or printed name	Cynthia McKinley		
Signature		Date	February 11, 2004

I hereby certify that this correspondence is being facsimile transmitted to Delora Dillard (OIPE Supervisor) of the United States Patent and Trademark Office, to Fax No. (703) 305-9822

**PATENT**  
Docket No.: 021737-001410US

On February 11, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

James R. Shay et al.

Application No.: 09/997,311

Filed: November 27, 2001

For: Computer Implemented Method for  
Controlling Document Edits

Examiner: Unassigned

Art Unit: 2176

COMMUNICATION re NOTICE OF  
ABANDONMENT received in ERROR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

This communication is being filed as suggested by Delora Dillard, OIPE Supervisor, to request the U.S. Patent and Trademark Office ("USPTO") to withdraw a Notice of Abandonment received for the above-referenced application. Applicants submit that the Notice of Abandonment was received in error as shown below.

A Notice of Abandonment dated January 22, 2004 (attached as **Attachment A**) was received from the USPTO for the above-referenced application. The Notice of Abandonment states that;

James R. Shay  
Application No.: 09/997,311  
Page 2

PATENT

"the above-identified application is abandoned for failure to timely or properly reply to the Notice of Missing Parts (Notice) mailed on May 9, 2002--No reply was received."

Applicants however submit that a proper and timely Reply to the Notice of Missing Parts was filed by the Applicants on March 19, 2002.

A Notice of Missing Parts dated December 19, 2001 (see Attachment B) was received from the USPTO. A proper Reply to the Notice of Missing Parts (see Attachment C) was facsimile-filed with the USPTO on March 19, 2002. The Reply was timely filed with a Petition for a 1-month extension of time. The Reply was faxed to USPTO RIGHT FAX Fax #. 703-306-5631 (the Fax # for group art unit 2100 of the application), Attention: Customer Service, Initial Patent Examination, Group Art Unit 2176.

As shown in Attachment C, the Transmittal Form (SB/21) for the Reply comprises a signed Certificate of Mailing certifying that the Reply was filed on March 19, 2002. The fax cover sheet accompanying the Reply also indicates that the Reply was filed on March 19, 2002.

Further, a confirmation (a RIGHT FAX confirmation) was also received from the USPTO confirming receipt of the Reply and accompanying documents by the USPTO on March 19, 2002. A copy of the RIGHT FAX confirmation is attached (see Attachment D).

Applicants submit that Attachments C and D unequivocally indicate that a proper and timely Reply to the Notice of Missing Parts was filed on March 19, 2002. Applicants thus submit that the Notice of Abandonment dated January 22, 2004 has been received in error.

Accordingly, Applicants respectfully request that the Notice of Abandonment be immediately withdrawn and the application returned to pending status. Applicants further request that the Reply to Notice of Missing Parts filed on March 19, 2002 be made of record for the file.

James R. Shay  
Application No.: 09/997,311  
Page 3

PATENT

CONCLUSION

Please contact the undersigned attorney at 650-326-2400, Ext. 5506 if you have any questions or need more information to resolve this matter.

Respectfully submitted,



Chad R. Walsh  
Reg. No. 43,235

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (650) 326-2400  
Fax: (650) 326-2422  
CRW:cmm  
60137797 v1

**Attachment A**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1150  
 Alexandria, Virginia 22313-1150  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 37(C) DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO./TITLE
09/997,311	11/27/2001	James R. Shay	020313-001410US

CONFIRMATION NO. 3014

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011736311\*

20350  
 TOWNSEND AND TOWNSEND AND CREW, LLP  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

NOT ABANDONED  
 IN DOCKET

Check Abandoned Status:

03/22/04

Date Mailed: 01/22/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/09/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice MUST be returned with the reply.*

*J Stokes*  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

636  
 040107



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22301-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR SCHED DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO/TITLE
09/997.311	11/27/2001	James R. Shay	020313-001410US

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

**CONFIRMATION NO. 3014**

**ABANDONMENT/TERMINATION  
LETTER**

\*OC000000011736311\*

Date Mailed: 01/22/2004

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/09/2002.

- No reply was received.

1.181 MPEP

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

***A copy of this notice MUST be returned with the reply.***

1 stroke

**Customer Service Center**

Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**



**Attachment B**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/997.311	11/27/2001	James R. Shay	020313-001410US

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 3014

## FORMALITIES LETTER

\*OC00000007211541\*

Date Mailed: 12/19/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$78.
  - \$36 for 4 total claims over 20.
  - \$42 for 1 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 513.

*A copy of this notice MUST be returned with the reply.*

A.T.  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

**Attachment C**

Atty Docket No. 020313-001410US

PTO FAX NO.: 703-746-7240  
ATTENTION: Customer Service  
TELEPHONE NO.: 703-306-5631

Group Art Unit 2176

**OFFICIAL COMMUNICATION  
REPLY TO NOTICE OF MISSING PARTS OF  
NON-PROVISIONAL APPLICATION  
FOR ENTRY IN APPLICATION NO. 09/997,311  
FILED ON NOVEMBER 27, 2001**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

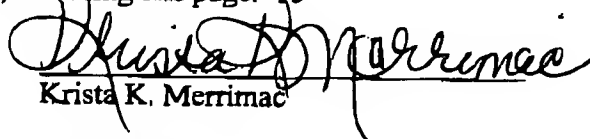
I hereby certify that the following document(s) in re Application of JAMES R. SHAY et al., U.S. Application No. 09/997,311, filed November 27, 2001 for COMPUTER IMPLEMENTED METHOD FOR CONTROLLING DOCUMENT EDITS are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Document(s) Attached

1. SB/21 Transmittal Form (1 page)
2. SB/17 Fee Transmittal (in duplicate) (2 pages)
3. Petition to Extend Time (1 page)
4. Declaration (1 page)
5. Supplemental Application Data Sheet (3 pages)
6. Power of Attorney (1 page)
7. Statement Under 3.73(b) with attached copy of Assignment (4 pages)
8. Copy of Notice of Missing Parts (1 page)

Number of pages being transmitted, including this page: 15

Dated: March 19, 2002

  
Krista K. Merrimac

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY RETURN FACSIMILE AT (650) 326-2422**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: 650-326-2400 / Fax: 650-326-2422

Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

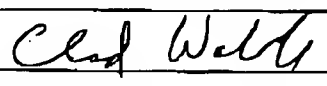
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/997,311
		Filing Date	November 27, 2001
		First Named Inventor	Shay, James R.
		Group Art Unit	2176
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission	1	Attorney Docket Number	020313-001410US

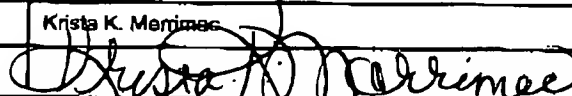
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration, Supplemental Application Data Sheet, Power of Attorney, Statement Under 3.73(b) with attached copy of Assignment, Copy of Notice of Missing Parts, Certificate of Facsimile Transmission
Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.  Pursuant to the Notice to File Missing Parts of Non-Provisional Application dated December 19, 2001, the enclosures listed above are to be made of record in the above-identified case. The fees required are listed on the attached Fee Transmittal to be deducted from our Deposit Account listed above.	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP	
	Chad R. Walsh	Reg. No. 43,235
Signature		
Date	March 19, 2002	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 746-7240 on March 19, 2002.

Typed or printed name	Krista K. Merrimee		
Signature		Date	March 19, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3208807 v1

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/997,311
Filing Date	November 27, 2001
First Named Inventor	Shay, James R.
Examiner Name	To Be Assigned
Group Art Unit	2176
Attorney Docket No.	020313-001410US

**TOTAL AMOUNT OF PAYMENT (\$)** 526**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17
- 
- ☒
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other
**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$370)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
24	-20**	4	\$9
3	-3**	0	\$0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$36)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	119	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$120)

**SUBMITTED BY**

Name (Print/Type)

Chad R. Walsh

Registration No. (Attorney/Agent)

43,235

Telephone

650-326-2400

Signature

Date

March 18, 2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 3208811 v1

Under the Paperwork Reduction Act of 1995, persons are required to respond to a collection of information if it displays a valid OMB control number.

Appr. Use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete If Known

Application Number	09/997,311
Filing Date	November 27, 2001
First Named Inventor	Shay, James R.
Examiner Name	To Be Assigned
Group Art Unit	2176
Attorney Docket No.	020313-001410US

TOTAL AMOUNT OF PAYMENT (\$ 526

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$370)

### 2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
24	3		4	\$9	\$36
			0	\$42	\$0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	16	203	8	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	64	209	42	** Reissue independent claims over original patent
110	16	210	8	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$36)

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Sheet	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$120)

## SUBMITTED BY

Name (Print/Type)	Chad R. Walsh	Registration No. (Attorney/Agent)	43,235	Telephone	650-326-2400
Signature		Date	March 19, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.

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U.S. Patent and Trademark Officethrough 10/31/2002. OMB 0851-0031  
DEPARTMENT OF COMMERCE  
displays a valid OMB control number.

## PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)  
020313-001410US

In re Application of JAMES R. SHAY et al.

Application Number 09/997,311

Filed November 27, 2001

For COMPUTER IMPLEMENTED METHOD FOR  
CONTROLLING DOCUMENT EDITSGroup Art Unit  
2178Examiner  
To Be Assigned

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☒ One month (37 CFR 1.17(a)(1)) Fee authorized on Fee Transmittal - Form PTO/SB/17 \$110
- ☐ Two months (37 CFR 1.17(a)(2)) \$
- ☐ Three months (37 CFR 1.17(a)(3)) \$
- ☐ Four months (37 CFR 1.17(a)(4)) \$
- ☐ Five months (37 CFR 1.17(a)(5)) \$

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 55.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 20-1430.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a), \_\_\_\_\_.

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March 19, 2002

Date

*Chad R. Walsh*

Signature

Chad R. Walsh, Reg. No. 43,235

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

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PA 3208795 v1



Attorney Docket No.: 0203 410US  
Client Ref. No.:

PTO/SB/01A (10-00)

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 09/997,311 filed on November 27, 2001
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor 1 James R. Shay Date: 30 Jan 2002Signature: [Signature] Citizen of: United StatesInventor 2 Jeffrey J. Grainger Date: 1/25/02Signature: [Signature] Citizen of: United States

Inventor 3 \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor 4 \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

☐ Additional inventors are being named on form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3195938 v1

**Application Data Sheet****Application Information**

**Application number::** 09/997,311  
**Filing Date::** 11/27/01  
**Application Type::** Regular  
**Subject Matter::** Utility  
**Suggested classification::**  
**Suggested Group Art Unit::**  
**CD-ROM or CD-R??:**  
**Number of CD disks::**  
**Number of copies of CDs::**  
**Sequence Submission::**  
**Computer Readable Form (CRF)?::**  
**Number of copies of CRF::**  
**Title::** COMPUTER IMPLEMENTED METHOD FOR  
CONTROLLING DOCUMENT EDITS  
**Attorney Docket Number::** 020313-001410US  
**Request for Early Publication::** No  
**Request for Non-Publication::** No  
**Suggested Drawing Figure::** 9  
**Total Drawing Sheets::** 8  
**Small Entity?::** Yes  
**Latin name::**  
**Variety denomination name::**  
**Petition included?::** No  
**Petition Type::**  
**Licensed US Govt. Agency::**  
**Contract or Grant Numbers One::**  
**Secrecy Order in Parent Appl.::** No

**Applicant Information**

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: US  
Status:: Full Capacity  
Given Name:: James  
Middle Name:: R.  
Family Name:: Shay  
Name Suffix::  
City of Residence:: Seattle  
State or Province of Residence:: WA  
Country of Residence:: US  
Street of Mailing Address:: 1515 Madrona Drive  
City of Mailing Address:: Seattle  
State or Province of mailing address:: WA  
Country of mailing address:: US  
Postal or Zip Code of mailing address:: 98122

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: US  
Status:: Full Capacity  
Given Name:: Jeffry  
Middle Name:: J.  
Family Name:: Grainger  
Name Suffix::  
City of Residence:: Portola Valley  
State or Province of Residence:: CA  
Country of Residence:: US  
Street of Mailing Address:: 95 Palmer Lane  
City of Mailing Address:: Portola Valley  
State or Province of mailing address:: CA

Country of mailing address:: US  
Postal or Zip Code of mailing address:: 94028

**Correspondence Information**

Correspondence Customer Number:: 20350

**Representative Information**

Representative Customer Number:: 20350

**Domestic Priority Information**

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Non-Provisional of	60/309,244	07/31/01
09/997,311	Non-Provisional of	60/253,360	11/27/00

**Foreign Priority Information**

Country:: Application number:: Filing Date::

**Assignee Information**

Assignee Name:: First to File, Inc.  
Street of mailing address:: 3355 Edison Way  
City of mailing address:: Menlo Park  
State or Province of mailing address:: CA  
Country of mailing address:: US  
Postal or Zip Code of mailing address:: 94025

Please type a plus sign (+) inside this box →



PTO/SB/81 (02-01)

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<b>POWER OF ATTORNEY OR AUTHORIZATION OF AGENT</b>	<b>Application Number</b>	09/997,311
	<b>Filing Date</b>	November 27, 2001
	<b>First Named Inventor</b>	Shay, James R.
	<b>Title</b>	COMPUTER IMPLEMENTED METHOD FOR CONTROLLING DOCUMENT EDITS
	<b>Group Art Unit</b>	2176
	<b>Examiner Name</b>	To Be Assigned
	<b>Attorney Docket Number</b>	016757-001410US

I hereby appoint:

☒ Practitioners at Customer Number
 

20350

→
OR  
☐ Practitioner(s) named below:

Name	Registration Number
	20350

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

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<input type="checkbox"/> Firm or Individual Name			
Address			
Address			
City	State	ZIP	
Country			
Telephone	Fax		

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

Name	
Signature	JAMES R. SHAY
Date	30/02/2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

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PA 3195955 v1

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 Attorney Docket No. 020313-001410US

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: James R. Shay et al.Application No./Patent No.: 09/997,311Filed/Issue Date: November 27, 2001Entitled: COMPUTER IMPLEMENTED METHOD FOR CONTROLLING DOCUMENT EDITSFirst To File, Inc., a \_\_\_\_\_

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8)

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

30 Jan 2002  
Date

James R. Shay  
Signature  
JAMES R. SHAY  
Typed or printed name

\_\_\_\_\_  
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3195967 v1

Attorney Docket No.: 020313-001410US

**ASSIGNMENT OF PATENT APPLICATION**

JOINT

WHEREAS, James R. Shay of 1515 Madrona Drive, Seattle, Washington 98122; Jeffrey J. Grainger of 95 Palmer Lane, Portola Valley, California 94028; hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:           **COMPUTER IMPLEMENTED METHOD FOR  
CONTROLLING DOCUMENT EDITS**

Date(s) of execution of Declaration: **January 25, 2002, and January 30, 2002**

Filing Date:               **November 27, 2001**

Application No.:           **09/997,311; and**

WHEREAS, FIRST TO FILE, INC., a corporation of the state of Delaware, located at 3355 Edison Way, Menlo Park, California, 94025, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

**COPY**

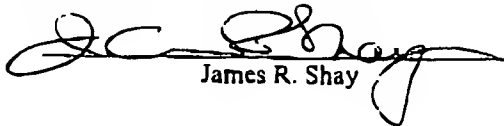
Assignment

Attorney Docket No.: 020313-001410US

Page 2

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated:

30 Jan 2002  
James R. Shay

WITNESSES:

Dated: \_\_\_\_\_

Name: \_\_\_\_\_

Dated: \_\_\_\_\_

Name: \_\_\_\_\_

**COPY**



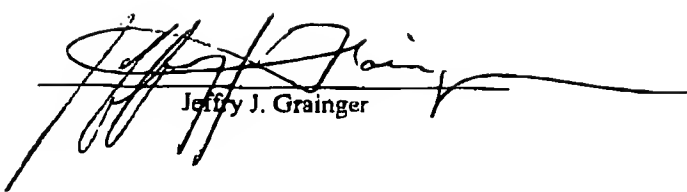
Assignment

Attorney Docket No.: 020313-001410US

Page 3

Dated:

1/25/02

  
Jeffrey J. Grainger

WITNESSES:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

**COPY**

**Attachment D**



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P. 27

Page 001

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TELEPHONE NO.: 703-306-5631		

**OFFICIAL COMMUNICATION  
REPLY TO NOTICE OF MISSING PARTS OF  
NON-PROVISIONAL APPLICATION  
FOR ENTRY IN APPLICATION NO. 09/997,311  
FILED ON NOVEMBER 27, 2001**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following document(s) in re Application of JAMES R. SHAY et al. U.S. Application No. 09/997,311, filed November 27, 2001 for **COMPUTER IMPLEMENTED METHOD FOR CONTROLLING DOCUMENT EDITS** are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Document(s) Attached

1. SIM/2 Transmittal Form (1 page)
2. SB/17 Fee Transmittal (in duplicate) (2 pages)
3. Petition to Extend Time (1 page)
4. Declaration (1 page)
5. Supplemental Application Data Sheet (3 pages)
6. Power of Attorney (1 page)
7. Statement Under 3.72(b) with attached copy of assignment (4 pages)
8. Copy of Notice of Missing Parts (1 page)

Number of pages being transmitted, including this page: 15

Dated: March 19, 2002

*Krista K. Martinez*  
Krista K. Martinez

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**TOWNSEND and TOWNSEND and CREW LLP**  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: 650-326-2400 / Fax: 650-326-2422

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FEB. 11. 2004 10:37AM

TTC-PA 650-326-2422

NO. 3667 P. 28. 1

\* \* \* TRAN [REDACTED] ION RESULT REPORT ( MAR. 19, 2004 [REDACTED] 20AM ) \* \* \*

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DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
MAR. 19.	9:15AM		USPTO TES	5'15"	P. 15	OK		297

# : BATCH  
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S : STANDARD

C : CONFIDENTIAL  
@ : FORWARDING  
D : DETAIL

P : POLLING  
E : ECM  
F : FINE

M : MEMORY  
> : REDUCTION